

A Regular Meeting of the Marilla Town Board was held September 14, 2006 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York.

Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

None

Committee Reports

Highway Superintendent Dave Pierce reported that roadsides have been mowed for the third time and the soccer fields have been aerated and over seeded.

Councilman Spanitz reported that the Library is having its annual book sale at the Community Center September 15th and 16th and the next Library Board Meeting is next Tuesday. The Planning Board will meet next Thursday at 7:00 pm in the Marilla Town Hall.

Councilman Gertz reported that the tentative changes in the Code Book should be published on line shortly.

Councilman Handley reported that the Pavilion Committee will be hosting Fall Fest this weekend; there will be a pie auction and contest to benefit the Marilla Free Library. The Paul Zittel Band will perform, and there will also be a tractor and engine show, the Ladies Auxiliary will be selling clam chowder, there will be a few animals for petting, wool blankets for sale and local Youth Groups will be selling various things.

Supervisor Foss reported that the Town of Marilla on September 6th completed the purchase of conservation easements for the properties owned by Clarence Wigler on Four Rod Road and Leonard Janiga on Jamison Road. The amount purchased is approximately 185 acres and this increases the Town's total preserved land to over 700 acres. The Town paid approximately \$23,000 for its share and State and Federal grants covered the remaining costs of approximately \$252,000. This past Spring Earl Gingerich, Jr. appeared before the Town Board to request the Town purchase the development rights to the Kolbe property which is just south of the Fire Company. The Town originally agreed to try to obtain a pace grant for the land but further investigation of the property showed the land had not been cultivated for more than 20 years and would not qualify. The owners then did major improvements to the farmland and Councilman Handley requested we reconsider the property. The problem at that moment was owner violations of DEC and Federal wetlands regulations. The Town did not want to be a part of that situation and Earl Gingerich Jr. agreed to return with proof of solving the wetlands problem before we would consider the project. The date was to be this past Tuesday and no one appeared to satisfy the Board's concerns. This is the second time the Town Board has been asked to commit a lot of taxpayers' money to this property and both times Mr. Gingerich failed to return to the Town Board with the requested information so the Board could make a reasonable decision. The first time it was for a park and the second time for the PACE program. It certainly appears to have been a public relations stunt as both occurred just before an election where he was a candidate. Town Board meetings and work sessions are for Town business only in the Town of Marilla and I object to anyone using the meetings for other purposes. As far as he is concerned this item of business is now off our agenda and he will not consider any more requests on this property.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes from the Regular Board Meeting held on 8/10/06. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Town of Marilla has entered into an agreement with the Town of Bennington to allow them to receive water from the Town of Marilla water lines but which agreement was conditioned, in part, upon the Town of Bennington paying for the purchase by the Town of Marilla of the bottom 13 feet of the top 20 feet of the Marilla Water Storage Tank; and

WHEREAS, the Town of Marilla and the Erie County Water Authority have prepared a draft agreement entitled Water Tank Capacity Purchase Agreement for such purchase.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board does hereby approve the Water Tank Capacity Purchase Agreement with the Erie County Water Authority in form presented to the Town Board.
2. The Town Supervisor is hereby authorized to execute the Water Tank Capacity Purchase Agreement with the Erie County Water Authority.
3. The date of completion of the purchase shall be as coordinated among the Town of Marilla, the Town of Bennington and the Erie County Water Authority.
4. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Marilla held on September 14, 2006, the results of which were as follows:

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to set the date for a public hearing as to the possible use of HUD funds for 2007, within the restrictions of low income or handicapped requirements for October 12th, 2006 at 7:30 pm. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to authorize payment to Mounted Sheriffs of \$500 for the Civil War Re-enactment and the Car Show. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to set the Public Hearing date for September 26th, 2006 at 7:30 pm in the basement of the Town Hall for a Special Use Permit for a dog boarding kennel at the property located at 12632 Bullis Road owned by Sandra Rogers. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that the Erie County Water Authority has started to fill the remaining 13 feet in the Water Tower Tank and residents that are currently receiving water may have more water pressure.

Building Inspector John Fronczek submitted a written report with 6 building applications received with fees totaling \$294, 6 building permits issued with a total value of \$26,100.00 (0- residential, 0- additions, 4-accessory, 2 misc.), 15 inspections were made and 2 complaints were received for the month of August 2006. A total of 130 official code enforcement activities were performed in the month of August.

The Planning Board did not have a meeting in August so there are no minutes and the next meeting will be next Thursday at 7:00 pm.

The Conservation Advisory minutes have been received and posted and they are currently working on a project.

Marilla Fire Company representative Lee Dobbins reported that the gun raffle will be held on October 14th and they are still installing the address signs.

Supervisor Foss reported that Town Historian Hubert Kutter is doing well.

Open Board Presentations

Councilman Specht stated that the Car Show Committee turned over \$23,000 to Mercy Flight, and they were very appreciative.

Councilman Handley reported that the rock garden and plaque are finished for the Darbee Family and Eagle Scout Dan Warren is working on benches to go around the garden.

Councilman Spanitz reported that the there will be a pie auction to benefit the Library on Sunday September 17th .

Supervisor Foss stated that the tentative budget is finished and a summary is in the fall newsletter. Taxes are about the same we will be having our budget meeting on October 17th , and there is a copy in the Town Clerk’s Office for viewing. He commented that the Re-enactment, Car Show, Fall Festival, Carnival, Memorial Day and Veteran’s Day and other events are nice to see happening in Marilla.

Motion: Councilman Specht moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 372-419	\$ 18,813.86
Highway Fund Claims, Vouchers 157-176	\$ 18,983.46
Special Districts	
Sanitation (SR), Vouchers 89-98	\$ 17,866.02
Special Fire Vouchers	\$.00
Water District #2, Vouchers 19-21	\$ 2,506.81
Water District #3 Voucher 10	\$ 1,353.40
Water District #4 Voucher 9	\$ 817.40
Community Develop. PACE 6	\$ 644.20
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to adjourn the meeting at 7:50 p.m. Motion Carried.

Respectfully submitted,

_____Town Clerk	_____Supervisor
_____Councilman	_____Councilman
_____Councilman	_____Councilman